**THE HON'BLE SRI JUSTICE D.S.R. VARMA**
**AND**
**THE HON'BLE SRI JUSTICE K.C. BHANU**

**WRIT PETITION Nos.24455 and 24456 of 2007**

**DATED : 20-11-2007**

W.P.No.24455 of 2007 :

Between :

Batta Venkata Ramana

...Petitioner.

AND

Government of A.P.,
Rep.by its Secretary,
Education Department,
School Education Department,
Secretariat, Hyderabad and 2 others.

...

Respondents.

W.P.No.24456 of 2007 :

Between :

D. Rajendra Kumar

...Petitioner.

AND

Government of A.P.,
Rep.by its Secretary,
Education Department,
School Education Department,
Secretariat, Hyderabad and 2 others.

...

Respondents.

**THE HON'BLE SRI JUSTICE D.S.R. VARMA**
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**ORAL COMMON ORDER :** (per the Hon'ble Sri Justice D.S.R. Varma)

Since the issue involved in both the writ petitions is one and the same, they are being heard together and disposed of by this common order.

2. Heard Sri B. Devadas, learned counsel for the petitioners in both the writ petitions, and the learned Government Pleader for Services-I.

3. Writ Petition Nos.24455 and 24456 of 2007 have been preferred by the petitioners challenging the orders of the A.P. Administrative Tribunal (for brevity 'the Tribunal') passed in O.A.No.4016 of 2006, dated 22-11-2006 and O.A.No.3937 of 2006, dated 08-02-2007, respectively, dismissing the O.As., whereby and whereunder the petitioners sought appointment as School Assistants.

4. It is the case of the petitioners that they have applied for the post of School Assistants in different subjects pursuant to the DSC-2006 notification, dated 30-05-2006, issued by the respondents. It appears, at the time of conducting the examinations, the petitioners were not qualified. Therefore, the persons who are not having the requisite qualification, including the petitioners, have approached the Tribunal by filing batch of O.As., seeking a direction to receive the applications and allow them to appear for the DSC-2006 examination. Accordingly, by virtue of the orders of the Tribunal, they were permitted to appear

for the examination. Subsequently, the Tribunal after hearing both sides, dismissed the said batch of O.As., on the ground that the applicants therein were not having the requisite qualification of B.Ed., as on the date of filing of applications pursuant to DSC-2006 notification, dated 30-05-2006. Aggrieved by the same, the petitioners have filed the present writ petitions.

5. It is settled law, as held by the apex Court and also this Court, which have already been referred to in the order of the Tribunal, that if the individuals are not qualified as on the date of receiving the applications, as per the terms mentioned in the notification, their cases cannot be entertained.

6. In view of the law laid down by the apex Court and this Court, we are not inclined to deviate with the said legal position, inasmuch as, admittedly, the petitioners are not qualified as on the date of filing their applications for the post of School Assistants.

7. There are no merits in the writ petitions and the same are liable to be dismissed.

8. In the result, the writ petitions are dismissed, at the stage of admission. However, there shall be no order as to costs.

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JUSTICE D.S.R.VARMA

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JUSTICE K.C. BHANU

20-11-2007
Msr.

THE HON'BLE SRI JUSTICE D.S.R. VARMA
AND
THE HON'BLE SRI JUSTICE K.C. BHANU

WRIT PETITION Nos.24455 and 24456 of 2007

20-11-2007
(Msr)